



US Army Corps
of Engineers®
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: February 3, 2009
Comment Period Ends: March 6, 2009
File Number: NAE 2005-1095
In Reply Refer To: Mr. Brian E. Valiton
Or by e-mail: brian.e.valiton@usace.army.mil

The District Engineer has received a permit application from the City of Salem to dredge, with disposal of the material at the Massachusetts Bay Disposal Site ("MBDS"), and to construct and maintain a new water transportation terminal and pier in waters of the United States (specifically Salem Harbor) as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: City of Salem Massachusetts, City Hall Annex, 120 Washington Street, Salem, Massachusetts 01970

ACTIVITY: To redevelop property at 10 Blaney Street into a multi-use port facility. This application is for phase I of the project which will involve upland improvements and water dependent piers, structures and dredging with disposal of the dredged material in ocean waters at the MBDS. Phase I will include a new terminal building, an expanded fixed pile and timber pier, a floating dock system, construction of a wave attenuator system, and associated dredging of approximately 7 acres of harbor bottom to various depths. The harbor bottom material to be dredged consists primarily of fine silt and sand and, after reviewing physical, biological and chemical testing of the material, has been determined by EPA and the Corps to be suitable for unconfined open water disposal at the MBDS.

A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK: This work is proposed in Salem Harbor at 10 Blaney Street, Salem, Massachusetts. The proposed project location is on the USGS Salem, Massachusetts quadrangle sheet at UTM coordinates 4709140.00 N and 0345550.00 E UTM zone 19. The dredged material is to be deposited in ocean waters at the MBDS. MBDS is a 2.0 nmi (3.7 km) diameter circular area centered at 42° 25.106' N, 70° 34.969' W (NAD 83), is located 12 nmi (22 km) southeast of Gales Point, MA).

AUTHORITY

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
- ☐ Section 404 of the Clean Water Act
- ☒ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general

environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

ESSENTIAL FISH HABITAT

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will have an adverse effect on approximately 298, 570 SF (approx. 7 acres) of EFH for American plaice (eggs, larvae, juveniles, adults), Atlantic butterfish (eggs, larvae), Atlantic cod (eggs, larvae, juveniles, adults), Atlantic halibut (eggs, larvae, juveniles, adults), Atlantic mackerel (eggs, larvae, juveniles, adults), Atlantic sea herring (larvae, juveniles, adults), bluefish (juveniles, adults), haddock (eggs, larvae), Ocean pout (juveniles, adults), Pollock (eggs, larvae, juveniles), red hake (larvae, juveniles, adults), White Hake (eggs, larvae, juveniles, adults), whiting (eggs, larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (eggs, larvae, juveniles, adults), and yellowtail flounder (eggs, larvae, juveniles, adults). Habitat at this site can be described as sub-tidal silt and sand. Loss of this habitat may adversely affect winter flounder. The District Engineer has made a preliminary determination that site-specific impacts may be substantial. Accordingly, the Corps of Engineers will submit an expanded EFH assessment to NMFS, who in turn will provide conservation recommendations to the Corps. The Corps will coordinate with the applicant regarding implementation of these recommendations. The EFH consultation will be concluded prior to the final decision. The applicant is not currently proposing to provide any mitigation for loss of EFH resource areas. That decision may be revisited during the EFH consultation procedures.

The dredged material disposal is proposed for MBDS. This is an open water ocean disposal site for dredged material, with water depths ranging from 269 to 302 feet (82-92 meters), that is utilized now, as well as in the past, for disposal of dredged material under approved disposal site conditions. The site is monitored under our Disposal Area Monitoring System (DAMOS). The disposal site also provides deep water habitat for the

species listed above. However, since this is an approved ocean disposal site, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Mr. Brian Valiton at (978) 318-8166, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.


Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

CENAE-R-PEA
FILE NO. NAE-2005-1095

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Karen K. Adams
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

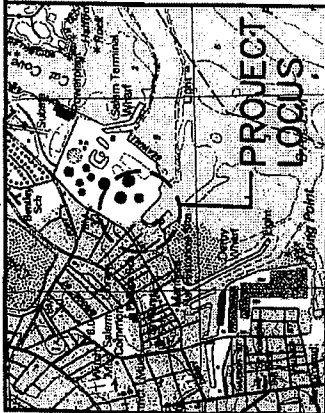
PROPOSED WORK AND PURPOSE

The work includes the redevelopment of the project site as a multi use port facility. Phase I, which is the subject of this action, will include the following:

- a. construction of a fixed 'L' shaped pile-supported pier approximately 380' long by approx. 32' wide;
- b. construction of a pile-supported terminal building and walkway (harborwalk) that extends out over the waterway seaward of the mean high water line (original proposal called for this building to be built on filled intertidal areas but the previously proposed intertidal filling has now been eliminated so the building is elevated on pilings out over intertidal areas);
- c. construction of floating docks and associated gangways (2000 sq. ft. of pile anchored floating dock) on the northeast side of the proposed pier;
- d. construction of floating docks and associated gangways (3200 sq. ft. of pile anchored floating docks) plus two permanently moored ferry barges (each 50' by 20') on the southwesterly side of the fixed pier to accommodate ferries to be moored at the pier;
- e. dredging of approximately 115,117 cu. yds. of silt and sand material, to various depths (-11 ft. m.l.w., -16 ft. m.l.w., and -27 ft. m.l.w.), from a sub-tidal area totalling approx. 7 acres with disposal of the dredged material at the MBDS;
- f. construction of a vertical wave attenuator through the center of the proposed fixed pier; and,
- g. conversion and retention of the existing pier as a public fishing pier.

The work is described on the enclosed plans entitled "PURPOSE: PORT EXPANSION APPLICATION BY: CITY OF SALEM IN: SALEM AT: SALEM HARBOR COUNTY: ESSEX STATE: MA," on 8 sheets, and dated "8/21/08, 8/27/08, 1/15/09 and some of the sheets with revisions dated 1/15/09."

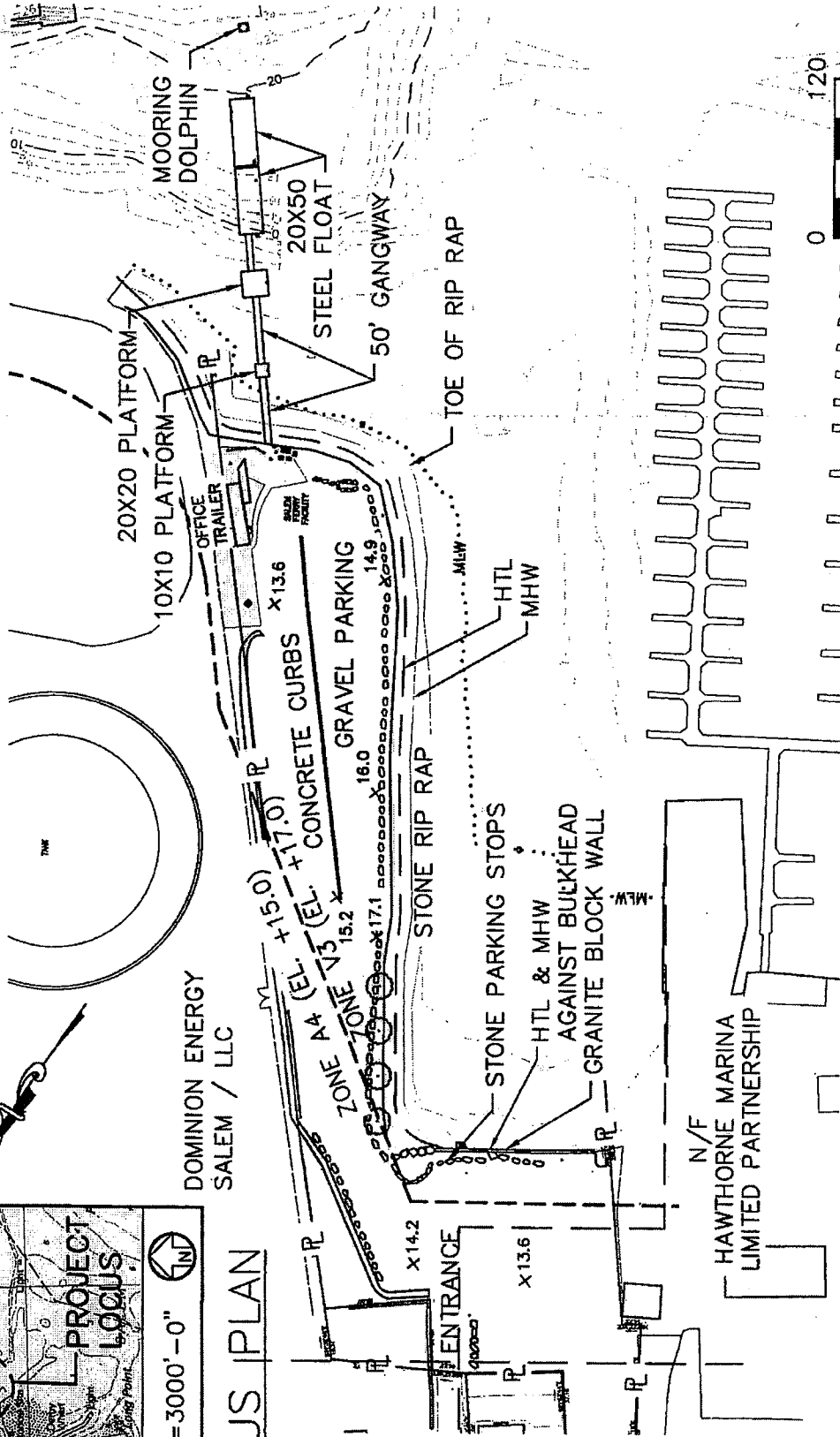
This notice is for Phase I of this project only. Phase II of the project, which may or may not proceed at some future indeterminate date, will be reviewed separately and independently and is not in any way dependent on a permit decision on this application for Phase I. Phase II will consist of the creation of year round dockage for the local lobstermen including associated dredging with ocean disposal.



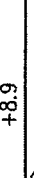
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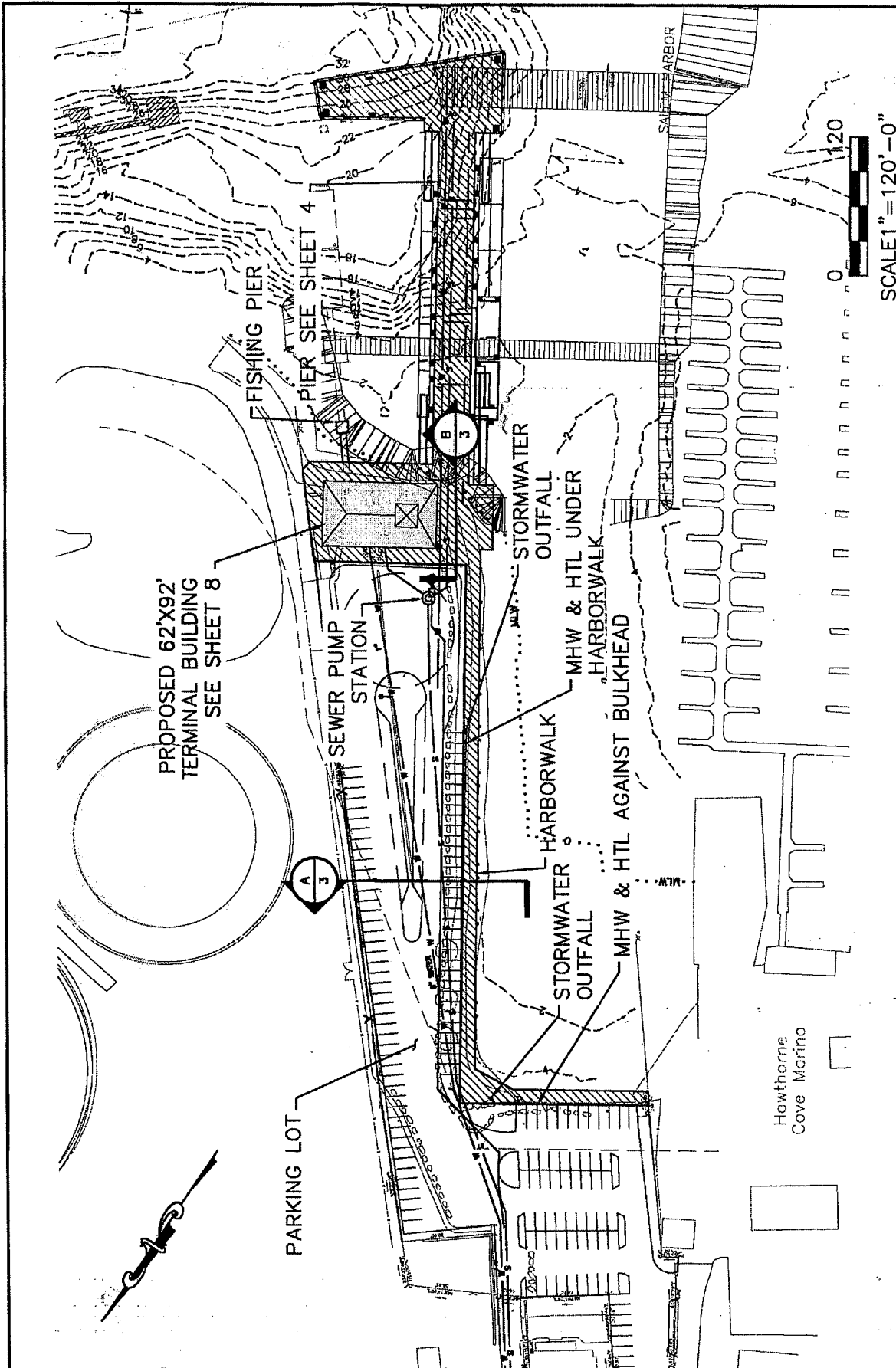
LOCUS PLAN

DOMINION ENERGY
SALEM / LLC



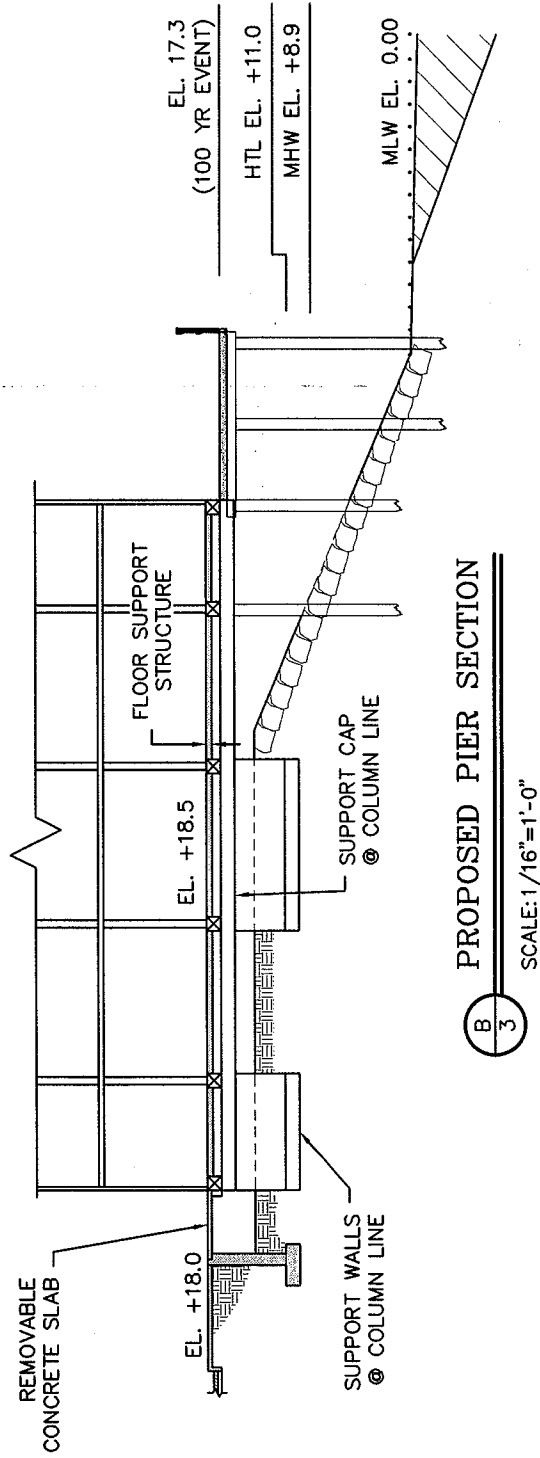
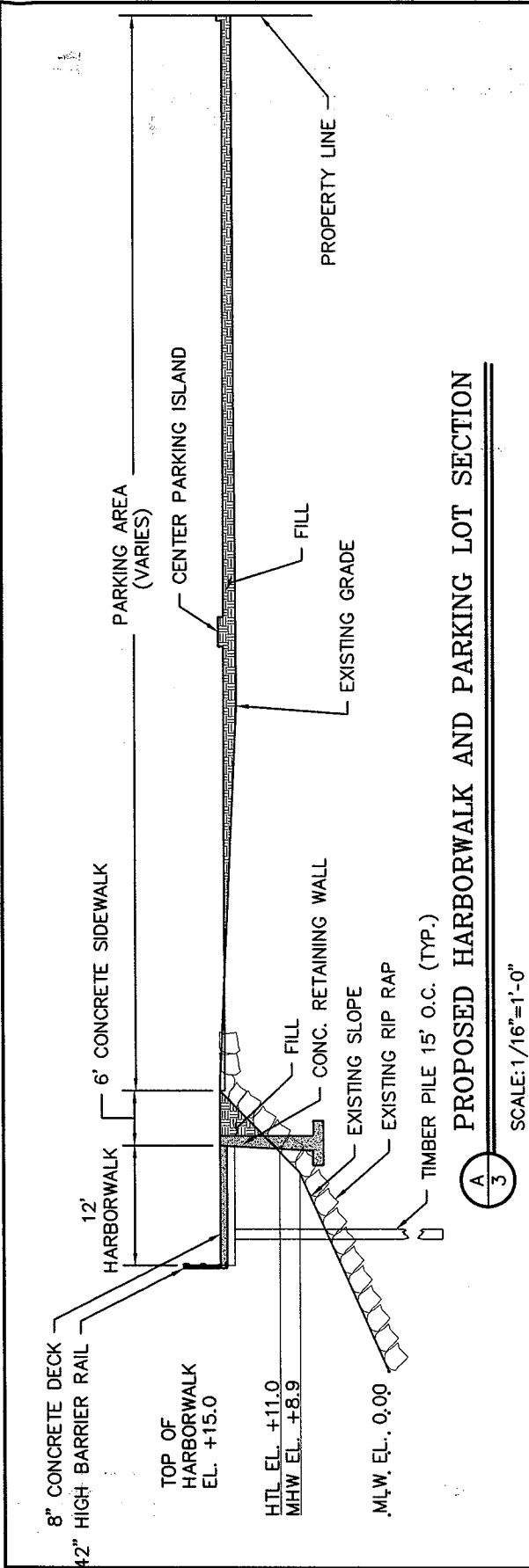
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 <i>Bourne Consulting Engineering</i> 1 Paul Street Bourne, MA 01939 TEL: (508) 552-0000 FAX: (508) 552-0009					PURPOSE: PORT EXPANSION		APPLICATION BY: CITY OF SALEM		SHEET 1 OF 8 DATE: 08/21/08	



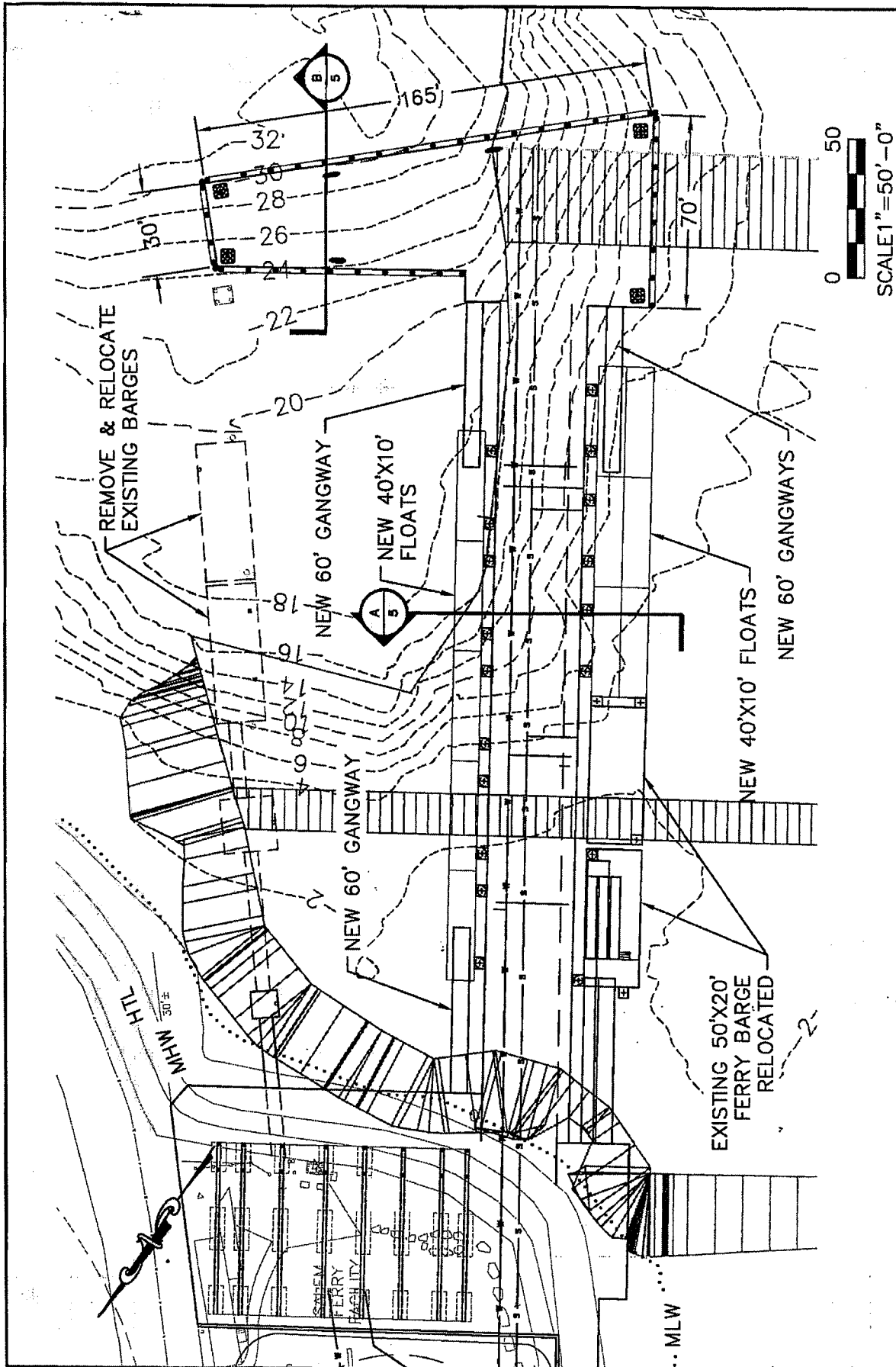
IN: SALEM AT: SALEM HARBOR COUNTY: ESSEX STATE: MA	SHEET 2 OF 8 DATE: 08/21/08 REV 1/15/09	APPLICATION BY: CITY OF SALEM	TITLE: PROPOSED CONDITIONS	100 YR FLOOD HTL MHW	+13.8 +11.0 +8.9	NGVD MLW	+4.2 0.0	PURPOSE: PORT EXPANSION
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BCE
Bourne Consulting Engineering
 1 Paul Road
 Bourne, MA 01906
 Tel: (508) 865-1000 Fax: (508) 865-1001

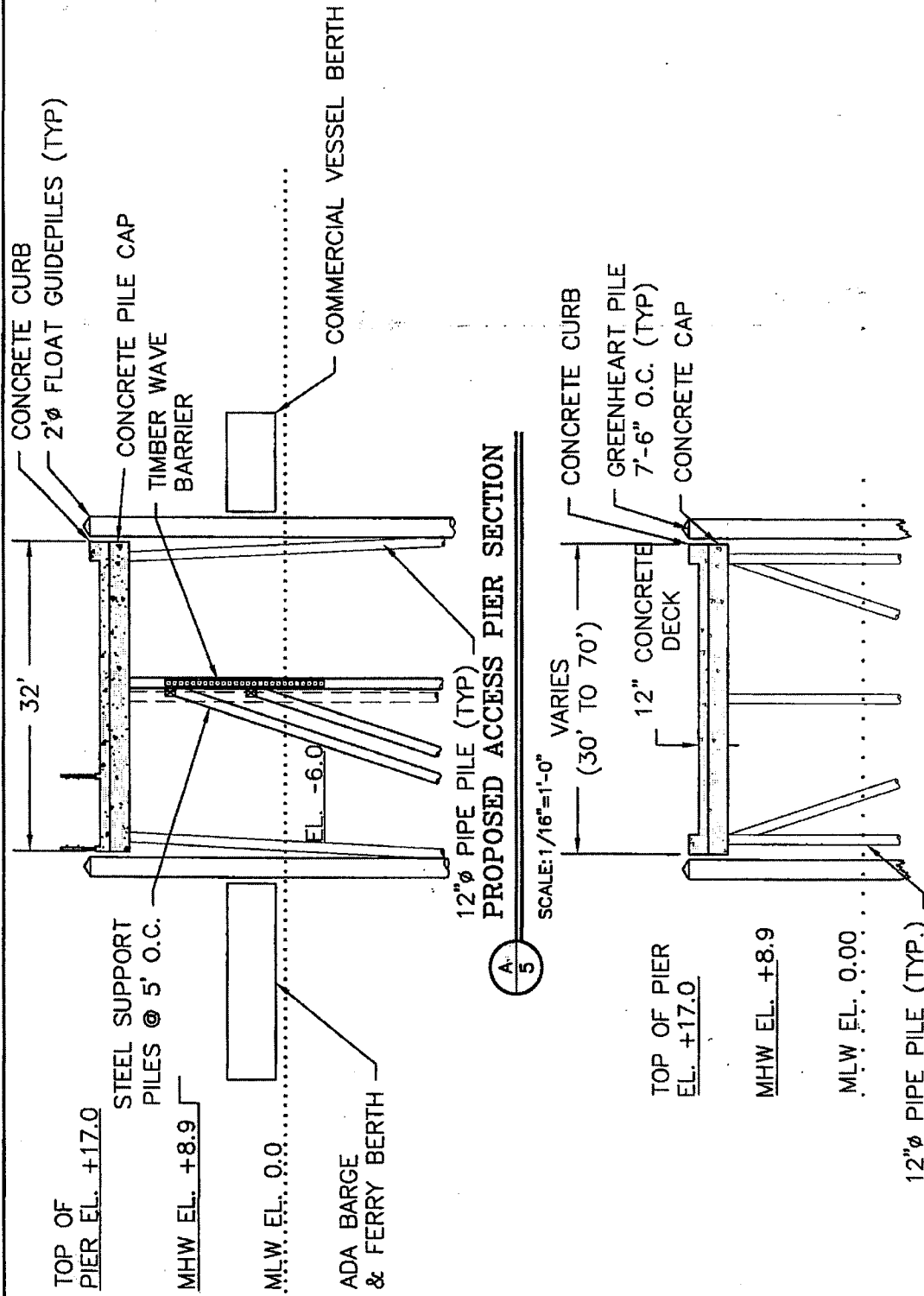


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PURPOSE: PORT EXPANSION	APPLICATION BY: CITY OF SALEM	SHEET 3 OF 8 DATE: 01/15/09	DATE: 01/15/09	PROPOSED SECTIONS	IN: SALEM AT: SALEM HARBOR COUNTY: ESSEX STATE: MA

BCE Bourne Consulting Engineering
3 West Street
Framingham, MA 01901
TEL (508) 553-4444 FAX (508) 553-4444




IN: SALEM AT: SALEM HARBOR COUNTY: ESSEX STATE: MA	SHEET 4 OF 8 DATE: 08/21/08 REV 1/15/09	PROPOSED CONDITIONS APPLICATION BY: CITY OF SALEM	TITLE: PURPOSE: PORT EXPANSION
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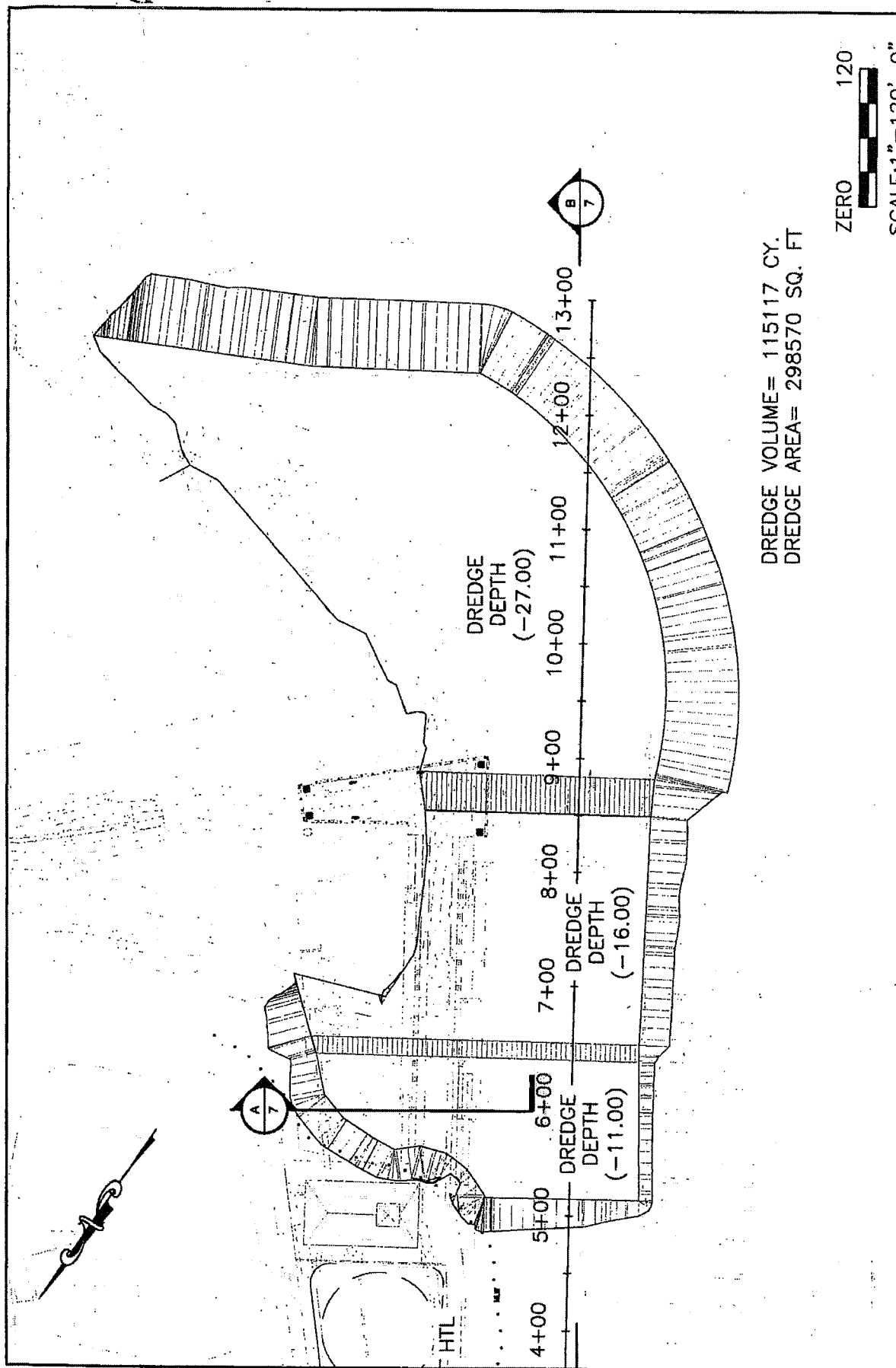


PROPOSED PIER SECTION

B
5

SCALE: 1/16" = 1'-0"

IN: SALEM	AT: SALEM HARBOR	STATE: MA
COUNTY: ESSEX	SHEET 5 OF 8	DATE: 08/27/08
TITLE:	PROPOSED SECTIONS	APPLICATION BY: CITY OF SALEM
PURPOSE:	PORT EXPANSION	
 Bourne Consulting Engineering <small>INC. (2003) 035-0000 FAX (508) 251-0000</small>		



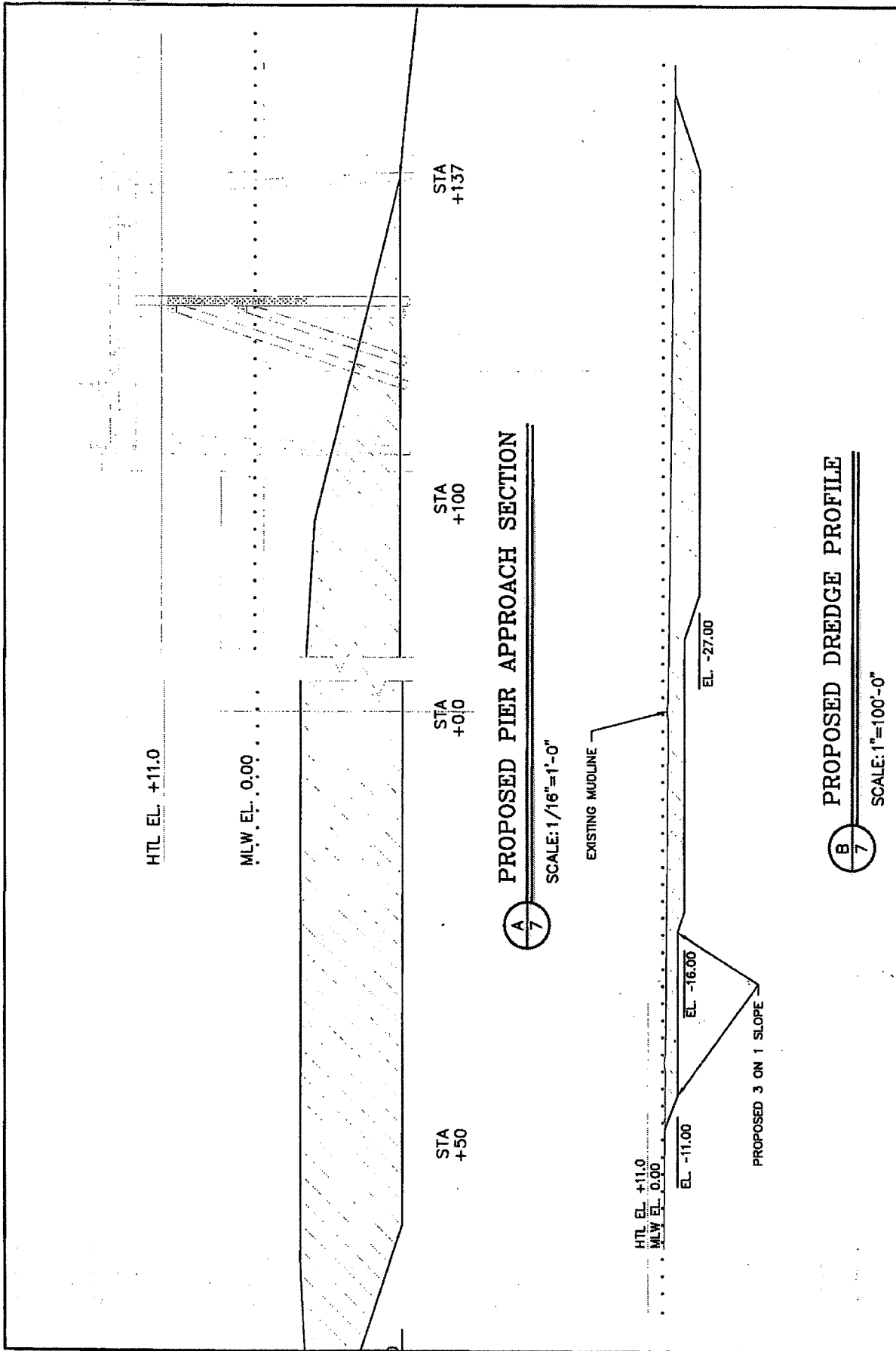
DREDGE VOLUME= 115117 CY.
DREDGE AREA= 298570 SQ. FT

ZERO 120



SCALE: 1"=120'-0"

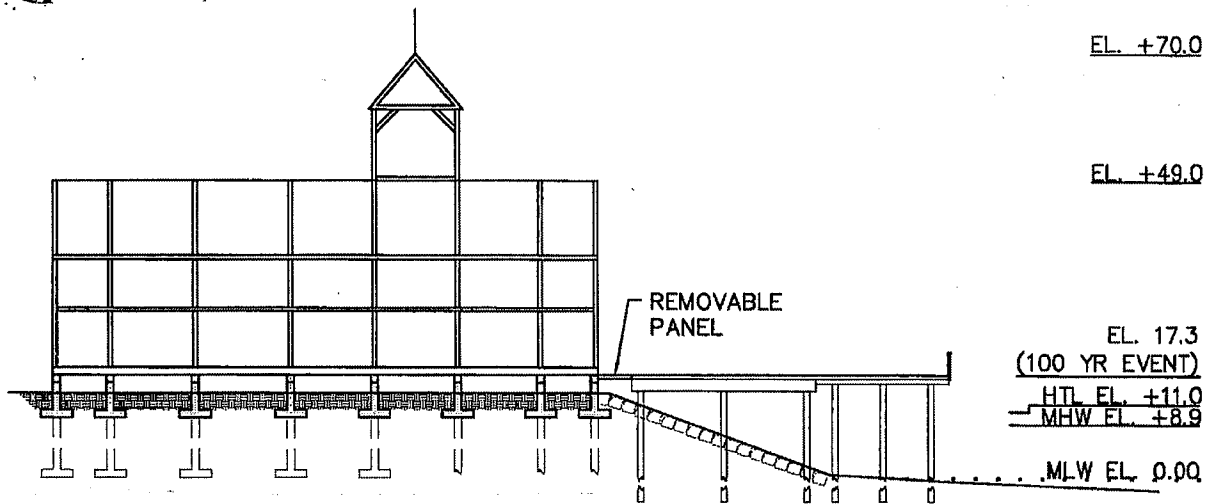
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SHEET 6 OF 8 DATE: 8/21/08	APPLICATION BY: CITY OF SALEM	PROPOSED DREDGE PLAN	DREDGE PLAN	SHEET 6 OF 8 DATE: 8/21/08	BOURNE CONSULTING ENGINEERING 1000 ROUTE 1 SALEM, MA 01970 TEL: (508) 552-4400 FAX: (508) 552-4401



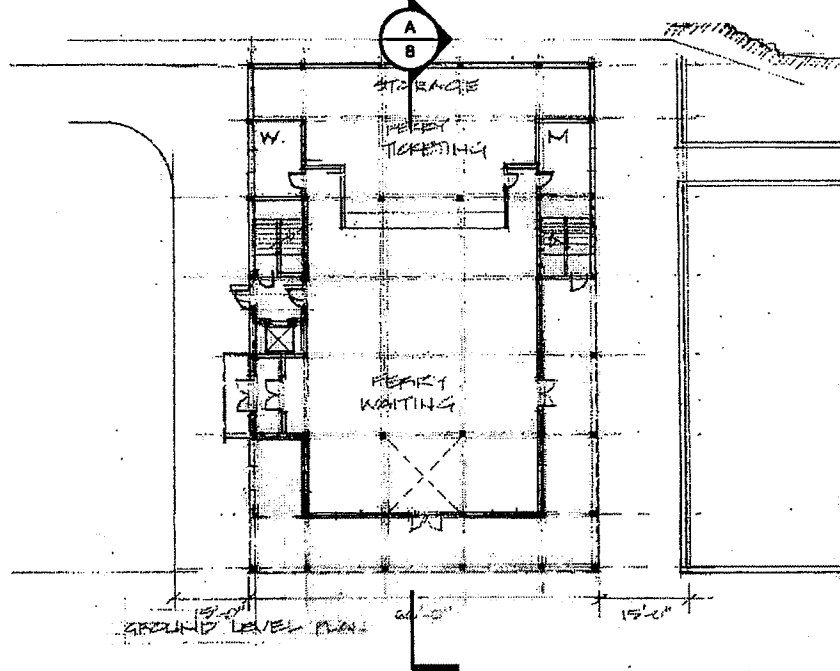
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HTL		+11.0	MLW	0.0	PURPOSE:		APPLICATION BY:		SHEET 7 OF 8			
MHW		+8.9			PORT EXPANSION		CITY OF SALEM		DATE: 08/21/08			

BCE Bourne Consulting Engineering
 311 Main Street
 Bourne, MA 01905
 TEL: (508) 532-4000 FAX: (508) 532-4000

File: X:\28704-28705\PERMITS\NOI 122308\SHT-08 PROPOSED BUILDING REV.dwg




PROPOSED SECTION
 SCALE: 1"=30'-0"



PROPOSED GROUND LEVEL PLAN
 SCALE: 1"=30'-0"

REV 1/15/09

PURPOSE: PORT EXPANSION	TITLE: PROPOSED TERMINAL	APPLICATION BY: CITY OF SALEM
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